

9/15/04

HW

Attorney Docket No. 04176/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Kazuhiko OMOTE  
Serial No. : 10/802,139  
Filed : March 17, 2004  
For : X-RAY DIFFRACTION APPARATUS  
Art Unit : 2882  
Examiner : Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT  
WITH STATEMENT UNDER 37 CFR 1.97) (e)  
AND STATEMENT UNDER 37 CFR 1.704 (d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of Search Report issued in the counterpart European application;
- (2) Copies of the cited publications; and
- (3) Forms PTO/SB/08A and PTO/SB/08B (3 pages). It is requested that initialed copies of the Forms PTO/SB/08A and PTO/SB/08B be returned to indicate that the publications listed therein have all been considered and made of record.

Said communication is in English, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

Japanese document No. 11-304731, cited in the European Search Report, was filed with the Information Disclosure Statement filed June 23, 2004. Therefore, Japanese 11-304731 is not re-submitted herewith and is not listed on the attached Form PTO/SB/08A.

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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
S. Dianne Franklin

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

**STATEMENT UNDER 37 CFR 1.97(e) (1)**

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of August 19, 2004. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

**STATEMENT UNDER 37 CFR 1.704(d)**

Each item of information contained in this Information Disclosure Statement was cited in said communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the present Information Disclosure Statement.

It is respectfully requested that the attached publications be considered and made of record.

Respectfully submitted,

  
Leonard Holtz, Esq.  
Reg. No. 22,874

Dated: September 14, 2004

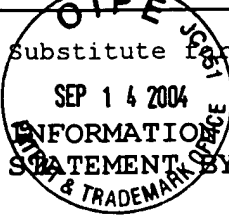
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PTO/SB/08A (08-00)

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 Substitute for Form 1449A/PTO			Application Number		10/802,139	
			Filing Date		March 17, 2004	
			First Named Inventor		Kazuhiko OMOTE	
			Group Art Unit		2882	
			Examiner Name			
Sheet	1	of	3	Attorney Docket Number		04176/LH

## U.S. PATENT DOCUMENTS

Exam. Inits*	Cite No <sup>1</sup>	Document Number	Kind Code <sup>2</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		6,282,263	B1	ARNDT et al	08-28-2001	

## FOREIGN PATENT DOCUMENTS

Exam Inits*	Cite No <sup>1</sup>	Offc <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Place a check here if English translation is attached.

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Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/802,139
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Sheet	2	of	3	Attorney Docket Number	04176/LH

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of author (in CAPITAL LETTERS), title of article, title of item, date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		<p>X. X. JIANG et al: "STUDY OF STRAIN AND COMPOSITION OF THE SELF-ORGANIZED GE DOTS BY GRAZING INCIDENT X-RAY DIFFRACTION", NUCLEAR INSTRUMENTS &amp; METHODS IN PHYSICS RESEARCH SECTION - A: ACCELERATORS, SPECTROMETERS, DETECTORS AND ASSOCIATED EQUIPMENT, NORTH-HOLLAND PUBLISHING COMPANY, Amsterdam, NL, Vol. 467-468, 21 July 2001 (2001-07-21), pages 362-365, XP004297870, ISSN: 0168-9002. * Chapter "2. Experimental" on pages 363-364. - *reference 12*.</p> <p>X. JIANG et al: "STATUS OF THE 4W1C BEAMLINE AND THE DIFFUSE SCATTERING EXPERIMENTAL STATION AT THE BEIJING SYNCHROTRON RADIATION FACILITY", NUCLEAR INSTRUMENTS &amp; METHODS IN PHYSICS RESEARCH SECTION - B: BEAM INTERACTIONS WITH MATERIALS AND ATOMS, NORTH-HOLLAND PUBLISHING COMPANY, Amsterdam, NL, Vol. 129, No. 4, 1 September 1997 (1997-09-01), pages 543-547, XP004089038, ISSN: 0168-583X. *Chapter "3. X-Ray Diffuse Scattering Station" - *Figure 2*.</p> <p>M. S. GOORSKY et al: "GRAZING INCIDENCE IN-PLANE DIFFRACTION MEASUREMENT OF IN-PLANE MOSAIC WITH MICROFOCUS X-RAY TUBES", CRYSTAL RESEARCH AND TECHNOLOGY, 2002, WILEY-VCH VERLAG BERLIN GmbH, Germany, "Online!", Vol. 37, No. 7, pages 645-653, XP002289273, ISSN: 0232-1300, Retrieved from the Internet: &lt;URL:http://www.crystalresearch.com/crt/ab37/645_a.pdf&gt;, retrieved on 2004-07-21!, *Chapter "Experimental Requirements"*. </p> <p>"BEDE D1 WITH MICROSCOPE", UCLA MATERIALS SCIENCE &amp; ENGINEERING, "Online! 12 November 2002 (2002-11-12), XP002289274, Retrieved from the Internet: &lt;URL:http://www.seas.ucla.edu/igoorsky/xray/D1micro.html&gt;, retrieved on 2004-07-21!, *the whole document*.</p> <p>LICAI JIANG et al: "APPLICATION OF MULTILAYER OPTICS TO X-RAY DIFFRACTION SYSTEMS", THE RIGAKU JOURNAL, "Online!", Vol. 18, No. 2, 2001, pages 13-22, XP002289275, Retrieved from the Internet: &lt;URL:http://www.rigakumsc.com/journal/Vol18.2.2001/Jiang.pdf&gt;, retrieved on 2004-07-21!, *page 19, last paragraph - page 20, paragraph 1, Figure 13*.</p> <p>K. OMOTE: "DIRECT OBSERVATION OF IN-PLANE TEXTURE IN COBALT RECORDING MEDIA BY MEANS OF A LABORATORY-SCALE X-RAY DIFFRACTOMETER", X-RAY SPECTROMETRY, NOV.-DEC. 1999, WILEY, U.K., Vol. 28, No. 6, pages 440-445, XP009034007, ISSN: 0049-8246 - *page 442*.</p> <p>B. VERMAN: "MICROFOCUSING SOURCE AND MULTILAYER OPTICS BASED X-RAY DIFFRACTION SYSTEMS", THE RIGAKU JOURNAL, "Online!", Vol. 19, No. 1, 2002, pages 4-13, XP002289276, Retrieved from the Internet: &lt;URL:http://www.riguksc.com/journal/Vol19.1.2002/verman.pdf&gt;, retrieved on 2004-07-21, *page 4*, *page 8, right-hand column, line 5 - line 19; table 4*.</p> <p>A. K. MALHOTRA et al: "IN SITU/EX SITU X-RAY ANALYSIS SYSTEM FOR THIN SPUTTERED FILMS", SURF COAT TECHNOL.; SURFACE &amp; COATINGS TECHNOLOGY, Nov. 10, 1998, Elsevier Science S.A., Lausanne, Switzerland, Vol. 110, No. 1-2, 10 November 1998 (1998-11-10), pages 105-110, XP002288818 - *page 106*.</p> <p>"ULTIMA III", RIGAKU, "Online!", 4 February 2004 (2004-02-04), XP002289277, Retrieved from the Internet: &lt;URL:http://www.rigakumsc.com/xrd/ultima.html&gt;, retrieved on 2002-07-21, *the whole document*.</p>	
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		Y. HIRAI et al: "THE DESIGN AND PERFORMANCE OF BEAMLINE BL16XU AT SPRING-8", NUCLEAR INSTRUMENTS & METHODS IN PHYSICS RESEARCH, SECTION - A: ACCELERATORS, SPECTROMETERS, DETECTORS AND ASSOCIATED EQUIPMENT, NORTH-HOLLAND PUBLISHING COMPANY, Amsterdam, NL, Vol. 251, No. 2-3, 2 April 2004 (2004-04-01), pages 538-548, XP004498331, ISSN: 0168-9002, *Chapter "2.5..2. X-ray diffractometer system", on pages 545, 546* - "reference 22*".					
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